

Notice of Allowability

Application No.

10/627,066

Examiner

James R. Brittain

Applicant(s)

DOWNING ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's communication of September 6, 2005.
2. ☒ The allowed claim(s) is/are 1,3-16,27 & 28; renumbered 1-17, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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The following is an examiner's statement of reasons for allowance: Kintzi et al. (US 6813782, figures 3, 4) and England (US 988558, figures 1-4) are the closest art of record. Kintzi et al. (figures 3, 4) teach an attachment device for connecting a head and neck support device to a helmet via a strap, which comprises a readily attachable and detachable connection 50, 60, 70 to a helmet (col. 12, lines 6-42). England teaches an attachment device for securing protective curtains which comprises: (a) a base 24 having a front surface with an indentation and a back surface with an opening extending therebetween; (b) a button 25 having an opening aligned with the opening of the base; (c) a resilient member 26 positioned between the front surface of the base and the button for biasing the button in a direction away from the base; (d) a post 12, 13 having opposed first and second ends with a head at the first end for positioning through the openings of the button and the base; and (e) a catch 14 having an opening for connecting to the head of the post by positioning the head of the post through the opening.

In regard to claim 1, Kintzi et al. lacks the connection of the base, button, resilient member, post, retainer and catch as claimed. Further, England lacks positioning the button within the indentation in the base and sizing the indentation in the base relative to the button such that when the button is depressed, the button moves into the indentation on the base and the front surface of the button is flush with the front surface of the base adjacent the indentation and England further lacks a retainer for the second end of the post. Having the front surface of the button flush with the front surface of the base adjacent the indentation as claimed in combination with the other claimed features protects the button since the front surface of the base adjacent the indentation acts as a bearing surface and the device of England lacks any suggestion of such a

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modification and Kintzi et al. only shows the environment of a head and neck support device and fails to provide any suggestion to modify England.

As to claim 27, this claim is allowed for the reasons provided by applicant in the remarks received February 28, 2005, page 10, ¶4. Kintzi et al. lacks the connection of the base, button, resilient member, post, retainer and catch as claimed. Further, England lacks providing the catch with a recess extending around a portion of a perimeter of the second section of the opening, wherein a size of the recess is greater than a size of the head of the post to allow the head to extend into the recess when the post is in the second section of the opening and the catch is connected to the post. This structure in combination with the other claimed features permits locking capture of the head of the post by the catch via the head of the post being received in the recess and the device of England lacks any suggestion of such a modification and Kintzi et al. only shows the environment of a head and neck support device and fails to provide any suggestion to modify England.

In regard to claim 28, this claim is allowed for the reasons provided by applicant in the remarks received September 6, 2005, page 12, ¶3. Kintzi et al. lacks the connection of the base, button, resilient member, post, retainer and catch as claimed. Further, England lacks providing the post with a head having a pair of opposed and parallel flat sections at the first end and having a connector section having a size less than the size of the head and having a pair of opposed and parallel flat sections adjacent and parallel to the pair of flat sections of the head. While Takada (US 3885811, figures 2, 5, 6) teaches providing parallel flat sections on the connector section, there is no further teaching in combination with the other claimed features to provide opposed and parallel flat sections also on the head for alignment purposes, an advantage provided by

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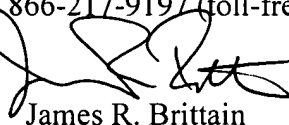
applicant in [0035] of the specification, and the device of England lacks any suggestion of such a modification and Kintzi et al. only shows the environment of a head and neck support device and fails to provide any suggestion to modify England.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB